



# CITY OF HUNTINGTON BEACH

## City Council Interoffice Communication

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**To:** Honorable Mayor and City Council Members  
**From:** Gil Coerper, City Council Member *GC/pwb*  
**Date:** December 20, 2004  
**Subject:** **"H" ITEM FOR DECEMBER 20, 2004 CITY COUNCIL MEETING**  
**4TH OF JULY STAKING ISSUES**

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### STATEMENT OF ISSUE:

During the workshop between the City Council and the 4th of July Executive Board, a number of issues regarding "staking" prior to and during the annual Fourth of July Parade were identified. There are questions as to:

1. Should the community be permitted to stake out an area on public property along the parade route?
2. When should the community be permitted to start staking out an area of the parade route?
3. Should staking out be allowed on the center median?
4. Should certain identified items of personal property be prohibited from being used for staking out?

A copy of Huntington Beach Municipal Code Section 13.54.200 is attached for your review.

### RECOMMENDED ACTION:

I have discussed the staking out issue with the Police Department, members of the Fourth of July Board and other interested members of the community. After considering their input, I propose:

1. Staking out be permitted on public property, including the center median of Main Street, along the parade route only after 9:00 AM on the third of July. City staff will make reasonable effort to remove items used for staking out prior to this time.
2. The parade route be posted well in advanced with appropriate signage informing the public of the applicable staking out ordinances.
3. Tape or other material with adhesives be prohibited for use in staking out on any public property, including sidewalks, roadways, street signs and trees.
4. No materials or other items used for staking out shall block or interfere with any public roadway or sidewalk prior to 6:00 AM on the Fourth of July.
5. Staff make appropriate public notices advising of the staking out ordinance.

I look forward to discussing this item with you at the Council Meeting.

Attachment

xc: Penny Culbreth-Graft, City Administrator  
Joan Flynn, City Clerk  
Kenneth W. Small, Chief of Police  
Jim B. Engle, Community Services Director

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**Chapter 13.54****SPECIFIC EVENTS**

(3608-6/03)

**Sections:**

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**13.54.010 Definitions**

- (a) "Director" refers to the Director of Community Services Department and/or his/her designee.
- (b) "Fourth of July Parade" is that annual parade sponsored by the City of Huntington Beach.
- (c) "Parade" means any march, parade, procession or public assembly consisting of persons or animals or vehicles or any combination thereof, upon any public or quasi public street, road, highway, sidewalk, alley, park, parkway, pier, beach, building or other public or quasi public place, which obstructs or unreasonably interferes with the free passage of vehicular traffic or pedestrian travel.
- (d) "Parade route" shall mean the entire route of a parade as approved by the Director.
- (e) "Parkway" shall mean that area between the edge of the roadway and the adjacent property line excluding that area occupied by the sidewalk. Parkway shall also include any area within a roadway which is not open to vehicular travel.

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- (f) "Public Property" includes, but is not limited to, sidewalks, parkways, streets, and medians.
- (g) "Roadway" shall mean that portion of a street improved, designated, or ordinarily used for vehicular travel.
- (h) "Rope" is any rope, ribbon, string, line or other device used to delineate a public area for parade viewing by private parties.
- (i) "Seat" is any common chair, stool, folding chair, folding stool, bench or similar device whose purpose is seating.
- (j) "Sidewalk" shall mean any surface provided for the exclusive use of pedestrians.
- (k) "Specific Event" shall mean the temporary use of public property, including, but not limited to, streets, beaches, and parks for any purpose including, but not limited to, events such as art shows, fund-raising events, sidewalk sales, amusement attractions, walkathons, marathon runs, block parties, parades, performances, weddings, company events and sporting events, or any combination thereof. This Chapter has no application to events that are conducted on private property.
- (l) "Street" shall mean all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.
- (m) "Structure (including grandstand)" is that which is framed, erected. Grandstand is a structure whose primary purpose is seating.

**13.54.020 Permit required.** No person shall organize, produce, direct, conduct, manage, institute or carry on any Specific Event without a permit first had and obtained from the Director. No person shall promote, advertise, encourage or solicit attendance or otherwise participate in any way in a Specific Event for which no permit has been issued, or for which such permit has been suspended or revoked.

**13.54.030 Permit application.** An application for a permit shall be filed with the Director not less than ninety (90) days nor more than two years before the date proposed for holding a Specific Event. Such application shall be signed by the applicant, who must be at least eighteen (18) years of age, or his authorized agent and shall be accompanied by a nonrefundable application fee. The amount of said fee shall be established by resolution of the City Council.

**13.54.040 Application--Contents of.** Application for a permit to hold a Specific Event shall be made on forms provided by the City, and shall contain the following:

- (a) The sponsoring organization, the contact person, and the address and telephone number of each;
- (b) A detailed description of the Specific Event proposed to be held, the number of persons participating in the event, the purpose of the event, the date, hours and location where the event is proposed to be held, if alcohol is to be served or sold, or if closure of public streets is required, a description of merchandise to be sold or any food and beverages to be sold or otherwise made available to attendees of the Specific Event and the admission fee, if any, to be charged;

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- (c) For parades, a description and map of the assembly area, disbanding area and the route to be traveled; the assembly time, the starting time, the disbanding time; the maximum parade length; the total number of bands, sound vehicles or musical units, if any, their type and number of members in each unit; the total number of public address units, including those that are stationary, mounted on vehicles or portable; the total number of marching units, if any, their type and number of members in each unit; the number of animals, if any, and type; the number of floats, if any, their size, type and methods of power; and the space between their units and their speed; and the maximum number of persons who will participate in the parade;
- (d) A detailed description of the equipment to be used, if any, including the number and types of vehicles, the number of public address or amplified sound systems, whether mounted, portable, or stationary, the number and type of special units such as musical or performance groups, animal zoos or shows, bleachers, canopies, tents, banners, inflatables, generators and the like;
- (e) An agreement that the City shall be compensated for any damage to public property, and that the site shall be cleaned and restored to the condition in which it was found prior to the holding of the Specific Event;
- (f) Such other information as requested by the Director;
- (g) Said application shall be signed by the applicant under penalty of perjury.

**13.54.050 Permit—Specific Event for other than applicant.** If such Specific Event is designed to be held by, on behalf of or for any organization other than the applicant, the applicant for such permit shall file a communication in writing from such organization, authorizing the applicant to apply for such permit on its behalf.

**13.54.060 Specific Events Committee established.** There is hereby established a Specific Events Committee composed of representatives of pertinent City departments and community organizations, as appointed by the City Administrator.

**13.54.070 Review of Permit Application by Director.** Within thirty (30) business days of the filing of the permit application with the Community Services Department, the Director shall either issue the permit, deny the permit, or refer the permit application to the Specific Events Committee for further review.

**13.54.080 Denial by the Director.** No action on the part of the Director within thirty (30) business days of the filing of the permit application shall be deemed a denial.

**13.54.090 Review of Permit Application to Specific Events Committee.** At any time, the Director may refer any permit application to the Specific Events Committee for further investigation of the activity proposed to be conducted, the persons involved, and other facts. The Specific Events Committee shall conduct a hearing on the application within sixty (60) days after notification of referral of the permit application, after which hearing the Specific Events Committee shall recommend to the Director to issue or deny the permit.

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**13.54.100 Permit--Granting or refusal** The granting or denial of any permit or part thereof by the Director shall be final unless a written appeal is filed as provided elsewhere in this Chapter. Failure to file an appeal within such ten (10) calendar day period, shall constitute a waiver of the right to such appeal.

**13.54.110 Permit--Late applications.** The Director may consider any permit application filed less than ninety (90) days prior to the time requested for holding a Specific Event.

**13.54.120 Permit--Surety and insurance.** Prior to the issuance of a permit, the Specific Events Committee may require:

- (a) In lieu of an agreement to compensate the City for loss or damage to public property, the deposit of cash, check or money order in an amount sufficient to guarantee the cleaning up of the site and the removal of any debris left as a result of the holding of a Specific Event. If it is determined that such Specific Event will warrant the presence of City personnel, the Director shall also require payment in full prior to issuance of a permit.
- (b) That the applicant provide public liability insurance and property damage insurance, including products liability coverage, workers compensation insurance, and a separate additional insured endorsement written by an insurance company acceptable to the City in the minimum limits as set by resolution of the City Council.

**13.54.130 Permit--Granting conditions.** As a condition to granting such permit, the Director may impose reasonable terms and regulations concerning the time and place of such Specific Event; the area and manner of conducting such Specific Event; the maximum number of persons participating therein; the use of amplified music, the regulation of traffic, if required, including the number and type of vehicles; the number and type of signs, banners, and barricades to be provided by applicant, if any, together with a plan of disposition attached to the application; whether alcohol shall be allowed; and such other requirements as they may find reasonable and necessary for the protection of persons and property. Any change in the approved plan must be submitted to the Community Services Department and approved by the Director fourteen (14) days in advance of the event. All applicable fees shall be paid at least thirty (30) days prior to such event.

**13.54.140 Permit--Denial.** The Director, upon recommendation of the Specific Events Committee shall not issue any permit if any of the following conditions exist:

- (a) The application is not on the form provided or does not contain the required information;
- (b) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for a permit;
- (c) The building, structure, equipment, or location of such Specific Event does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all of the ordinances of the City of Huntington Beach or the state of California applicable thereto;
- (d) The activity or location of the activity is such as to interfere with or unreasonably obstruct the free flow of vehicular traffic or other means of travel on any public street, or with pedestrian traffic on the sidewalk;

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- (e) Proof of insurance required by this Chapter as a prerequisite to the holding of a Specific Event has not been filed with the City;
- (f) The conduct of the Specific Event will be contrary to law;
- (g) Applicant has had a similar Specific Event permit denied for good cause within one (1) year prior to the application, and can show no material change in circumstances since such denial;
- (h) Applicant refuses to agree to, abide by or comply with all conditions and regulations attendant upon such Specific Event permit;
- (i) Such Specific Event will interfere or conflict with another Specific Event for which a permit has already been issued, or will interfere or conflict with another Specific Event for which no permit is required by this code;
- (j) Applicant has failed to pay the assigned fees or failed to meet any other conditions imposed by the Director.

**13.54.150 Permit--Contents of.** A Specific Event permit shall contain the following:

- (a) The name of the person or organization to whom issued;
- (b) The name and telephone number of the individual on-site contact person;
- (c) The date, hour and location for the Specific Event; and
- (d) Any on-site conditions imposed on the holding of such Specific Event.

**13.54.160 Permit suspension or revocation.** A permit for a Specific Event issued hereunder, shall be summarily suspended or revoked by the Director at any time when there is reasonable cause to believe that any of the grounds exist for which the original application for permit would have been denied.

**13.54.170 Appeal--Filing.** An appeal from suspension, revocation or denial of a permit, or conditions imposed thereupon by the Director, may be made to the City Administrator within ten (10) calendar days after service of notice of such action on the applicant or permittee. Such appeal shall be in writing, setting forth fully the grounds upon which the appeal is based, and shall be filed with the City Clerk who shall forward copies to the City Administrator, and the Director. The Director shall submit to the City Administrator the record of the case appealed. The City Administrator shall rule on the appeal within ten (10) calendar days after receipt of such record from the Director. The decision of the City Administrator may be appealed to the City Council. Such appeal shall be filed with the City Clerk within ten (10) calendar days of receipt of the decision of the City Administrator.

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**13.54.180 Appeal--Council action.**

- (a) Within sixty (60) days after filing a written appeal from the suspension, revocation, or denial of a permit with the City Clerk, the City Council shall consider the appeal at a regular meeting. Written notice of the time and place the City Council will consider the appeal shall be mailed by the City Clerk to the person who filed the appeal at least ten (10) days before the date set for hearing unless the applicant/permittee shall waive notice in writing.
- (b) In any appeal, the City Council shall consider the application, the record of the case submitted by the Director and other pertinent information presented, and may grant or deny the permit subject to the conditions, terms and regulations set forth in this Chapter. The decision of the City Council shall be final.
- (c) The City Clerk shall, within three (3) days after decision of the City Council, notify the applicant/permittee in writing of the decision of the City Council.

**13.54.190 Exceptions to provisions.** No permit shall be required under this Chapter with respect to:

- (a) Any Specific Event sponsored by, or held under the auspices of, the City of Huntington Beach;
- (b) Any bona fide funeral procession, the purpose of which is to transport the remains of a deceased person to a place of burial or cremation.

**13.54.200 Fourth of July Parade-viewing.** The purpose of this section is to establish regulations concerning the viewing of the annual Fourth of July Parade.

- (a) No person shall place a chair, structure, rope, sign or other item, on any public property including center medians, prior to 12:01 a.m. on the 2nd of July and after 2:00 p.m. on the 4<sup>th</sup> of July.
- (b) No person shall sell any seat or space on public property without permission from the Director.
- (c) No privately placed seating shall be so located or constructed on public property so as to interfere with any person's viewing of the parade from a City-authorized and approved grandstand.

**13.54.210 Interference with Specific Events.** No person shall knowingly join or participate in any Specific Event in violation of any of the terms, conditions, or regulations of the permit issued therefore, or knowingly join or participate in any Specific Event without the consent and over the objection of the permittee or in any manner interfere with the orderly conduct of such event. "Interfere" for purposes of this ordinance shall mean:

- (a) Placing furniture or erecting booths or stands within twenty feet of the area designated for use by the permittee only; or so as to obstruct the view of audience members, after having first been warned;

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- (b) Operating a radio, loud speaker, or other similar device, whistle, or other machine or musical instrument without permission from the permittee;
- (c) Making noise, including yelling and screaming, either at a volume higher than that of the event or in a manner so as to disturb the peace of others, after having been warned;
- (d) Entering upon the stage or otherwise joining a performance without permission of the permittee;
- (e) Disrobing or engaging in other conduct which disrupts the event, after having been warned.

**13.54.220 Parking of vending vehicles.** No person shall stop, let stand, or park any vehicle, for the purpose of selling, or offering for sale there from, any goods, wares or merchandise on any street on a parade route.

**13.54.230 Enforcing officer.** This chapter shall be enforced by the Director, as well as by Peace Officers having jurisdiction of any area in which a violation of any provision of this title takes place.

**13.54.240 Permit Conditions.** The permittee shall follow all conditions as set forth in the permit.

**13.54.250 Violation--Penalty.** Any person violating this chapter shall be guilty of a MISDEMEANOR, punishable by a fine of one-thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

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